

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated September 10, 2004. Claims 1-11 are currently pending in the application.

In the Office Action, the Examiner has rejected Claims 1-3 and 5-11 under 35 U.S.C. §112, second paragraph, as being indefinite, Claim 1 under 35 U.S.C. §103 (a) as being unpatentable over *Kahn et al.* (U.S. Patent Application Publication No. 2001/0056560) in view of *Dorenbosch et al.* (U.S. 5,801,639), Claims 2-3 and 5-11 under 35 U.S.C. §103 (a) as being unpatentable over *Kahn* in view of *Dorenbosch*, and further in view of *Lappetelainen et al.* (U.S. 6,760,877), and Claim 4 under 35 U.S.C. §103 (a) as being unpatentable over *Kahn* in view of *Lappetelainen*. Additionally, the Examiner has objected to the drawings and the Abstract of the application.

With regard to the objection to the drawings, the Examiner asserts that FIGs. 1-3 should be labeled as “PRIOR ART”. Accordingly, replacement FIGs. 1-3, which have been amended to include the legend “PRIOR ART”, are enclosed herewith. Therefore, it is respectfully requested that the objection to the drawings be withdrawn.

With regard to the objection to the Abstract, the Examiner has taken issue with the length of the Abstract. As indicated above, the Abstract has been amended to a length of less than 150 words. Therefore, it is respectfully requested that the objection to the Abstract be withdrawn.

With regard to the rejection of Claims 1-3 and 5-11 under 35 U.S.C. §112, second paragraph, as being indefinite, the Examiner asserts that clarification and correction is required for the phrase “...receiving data blocks retransmitted by the transmitter as many times as the retransmission frequency...”. However, based on the Examiner’s assumed understanding for the purpose of examination, it is clear that the Examiner is not using the term “retransmission frequency” as it is defined throughout the specification of the application. That is, the Examiner’s

confusion comes from the Examiner using the term “retransmission frequency” as the carrier frequency of a retransmitted signal, e.g., 90 MHz, not as indicating how many times the transmitter will repeatedly transmit the same packet data as that transmitted during the initial transmission (see page 14, lines 14-23 of the application). As a result, it appears that the Examiner believes that the phrase “...receiving data blocks retransmitted by the transmitter as many times as the retransmission frequency...” needs clarification. Accordingly, it respectfully submitted that the meaning of the term “retransmission frequency” is how many times the transmitter will repeatedly transmit the same packet data as that transmitted during the initial transmission, and that by using this term correctly, the phrase “...receiving data blocks retransmitted by the transmitter as many time as the retransmission frequency...” does not need any clarification or correction.

With regard to the rejections of independent Claims 1, 5-6, and 9, as indicated above, it is clear that the Examiner has misinterpreted the claims, more specifically, the term “retransmission frequency” and has therefore misapplied the cited art. That is, it is respectfully submitted that none of the references cited by the Examiner, either alone or in combination, teach receiving data blocks retransmitted by the transmitter as many times as “the retransmission frequency”. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting Claims independent Claims 1, 5-6, and 9.

With regard to Claim 4, the Examiner asserts that *Kahn* teaches all the elements of Claim 4 except for comparing the average received power levels with a predetermined reference power level and combining the received data blocks having an average power level higher than or equal to the reference power level, which the Examiner asserts is taught in *Lappetelainen*. However, it is respectfully submitted that the Examiner is incorrect.

Claim 4 recites combining only the received data blocks having an average power level higher than or equal to the reference power level. It is respectfully submitted that neither *Kahn* nor *Lappetelainen* teach this recitation. More specifically, the section of *Lappetelainen* cited by the Examiner actually recites comparing a power level to increase transmission power in a transmission part, upon data reception that is lower than an average power level, because a probability that an

error will occur again increases after a first error is received. Accordingly, it is respectfully submitted that this feature is different from the comparing and combining steps in Claim 4. Therefore, it is respectfully requested that the rejection of Claim 4 be withdrawn.

Based on the arguments presented above, it is respectfully submitted that independent Claims 1, 4-6, and 9 are in condition for allowance. Without conceding the patentability per se of dependent Claims 2-3, 7-8, and 10-11, they are likewise believed to be allowable by virtue of their dependence on Claims 1, 4-6, and 9, respectively. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-3, 7-8, and 10-11 are respectfully requested.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-11 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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